

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy Case No. 20-20328 JAD
	:	
Brian C. Carey,	:	Chapter 13
	:	
Debtor,	:	Document No.
	:	
Nationstar Mortgage, LLC,	:	Related to Document No.
	:	
Movant,	:	
	:	
vs.	:	
	:	
Brian C. Carey,	:	
	:	
Respondent.	:	

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF
FROM THE AUTOMATIC STAY ON FIRST MORTGAGE**

Debtor, Brian C. Carey, by his attorneys Tremba, Kinney, Greiner & Kerr, LLC, and Daniel R. White, Esquire respond to the Motion for Relief from the Automatic Stay as follows:

1-9, 12.	Paragraphs 1-9 and 12 are Admitted.
10-11,13-15.	Paragraphs 10-11, 13-15 are Denied. Debtors demand strict proof of the averments of paragraphs 10-11,13-15.

DEBTOR'S DEFENSES

1. Debtor has a confirmed Chapter 13 plan dated January 17, 2023, which pays Movant its regular monthly payment and cures pre-petition arrears.
2. Although Debtor is not current with his Chapter 13 plan payments he intends to make a full plan payment in July and will increase his monthly payments to cure the payment arrears over the remainder of his plan term
3. Debtor valued his Residence at \$126,000.00 in his Schedule A subject to a Movant's mortgage claim in the current amount of \$112,856,30 as set forth in paragraph 8 of its Motion for Relief.
4. Movant has received distributions from the Trustee of \$49,940.03 in regular monthly payments plus \$19,968.71 towards pre-petition arrears since the

confirmation of the Chapter 13 Plan. Debtor's proposed monthly payment plus the Trustee distributions provide adequate protection to Movant.

5. Movant does not dispute the current market value of the Residence as set forth in Debtor's Schedule A.
6. Debtor asserts that the value of his Residence has increased since 2020 and significantly exceeds the amount of the debt owed to Movant, thus providing adequate protection.
7. Under these circumstances, all of which existed when Movant filed its Motion, Movant is more than provided adequate protection and is not entitled to relief from stay as requested.

WHEREFORE, The Debtor, Brian C. Carey, respectfully requests this Court to Deny the Motion for Relief from the Automatic Stay and order such further relief that this Court deems appropriate.

Dated: June 28, 2024

TREMBA, KINNEY, GREINER & KERR, LLC
By

/s/ Daniel R. White

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